

1,638
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|---|----|------------------------|---------------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | | Application Number | 10/034,158 |
| | | Filing Date | December 20, 2001 |
| | | First Named Inventor | Zhong-Min Wei |
| | | Group Art Unit | 1638 |
| | | Examiner Name | A. Kubelik |
| Total Number of Pages in This Submission | 13 | Attorney Docket Number | 21829/230 (EBC-015) |

| ENCLOSURES (check all that apply) | | |
|---|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> A copy of the Notice to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Request for Corrected Filing Receipt with Enclosures <input checked="" type="checkbox"/> A self-addressed, prepaid envelope for acknowledging receipt <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Communication |
| Remarks | | <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 14-1138 for the above identified docket number. |

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| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|--|
| Firm or Individual name | Edwin V. Merkel Nixon Peabody LLP Clinton Square, P.O. Box 31051 Rochester, New York 14603-1051 Telephone: (585) 263-1128 Fax: (585) 263-1600 |
| Signature | |
| Date | October 1, 2003 |

| CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)] | |
|---|---------|
| I hereby certify that this correspondence is being: | |
| <input checked="" type="checkbox"/> deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop _____, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 | |
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| Date | 10/1/03 |
| Signature | |
| Typed or printed name Wendy L. Barry | |

FEE TRANSMITTAL FOR FY 2003

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.17.

TOTAL AMOUNT OF PAYMENT (\$ 210)

Complete if Known

Application Number 10/034,158
Filing Date December 20, 2001
First Named Inventor Zhong-Min Wei
Examiner Name A. Kubelik
Art Unit 1638
Attorney Docket No. 21829/230 (EBC-015)

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METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number 14-1138

Deposit Account Name Nixon Peabody LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description | Fee Paid |
|-----------------------|-----------------------|-----------------------|-----------------------|------------------------|----------|
| 1001 | 750 | 2001 | 375 | Utility filing fee | |
| 1002 | 330 | 2002 | 165 | Design filing fee | |
| 1003 | 520 | 2003 | 260 | Plant filing fee | |
| 1004 | 750 | 2004 | 375 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |

SUBTOTAL (1) (\$ 0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| | | | Extra Claims | | Fee from below | | Fee Paid |
|--------------------|---|---------|--------------|---|----------------|---|----------|
| Total Claims | 9 | -20** = | 0 | X | | = | 0 |
| Independent Claims | 1 | -3** = | 0 | X | | = | 0 |
| Multiple Dependent | | | | X | | = | 0 |

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description |
|-----------------------|-----------------------|-----------------------|-----------------------|--|
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 |
| 1201 | 84 | 2201 | 42 | Independent claims in excess of 3 |
| 1203 | 280 | 2203 | 140 | Multiple dependent claim, if not paid |
| 1204 | 84 | 2204 | 42 | ** Reissue independent claims over original patent |
| 1205 | 18 | 2205 | 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ 0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (Continued)

3. ADDITIONAL FEES

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description |
|-----------------------|-----------------------|-----------------------|-----------------------|--|
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet |
| 1053 | 130 | 2053 | 130 | Non-English specification |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for <i>ex parte</i> reexamination |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month |
| 1252 | 420 | 2252 | 210 | Extension for reply within second month |
| 1253 | 950 | 2253 | 475 | Extension for reply within third month |
| 1254 | 1,480 | 2254 | 740 | Extension for reply within fourth month |
| 1255 | 2,010 | 2255 | 1,005 | Extension for reply within fifth month |
| 1401 | 320 | 2401 | 160 | Notice of Appeal |
| 1402 | 320 | 2402 | 160 | Filing a brief in support of an appeal |
| 1403 | 280 | 2403 | 140 | Request for oral hearing |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable |
| 1453 | 1,300 | 2453 | 650 | Petition to revive - unintentional |
| 1501 | 1,300 | 2501 | 650 | Utility issue fee (or reissue) |
| 1502 | 470 | 2502 | 235 | Design issue fee |
| 1503 | 630 | 2503 | 315 | Plant issue fee |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) |
| 1809 | 750 | 2809 | 375 | Filing a submission after final rejection (37 CFR 1.129(a)) |
| 1810 | 750 | 2810 | 375 | For each additional invention to be examined (37 CFR 1.129(b)) |
| 1801 | 750 | 2801 | 375 | Request for Continued Examination (RCE) |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application |

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 210)

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10/1/03
Date

Wendy L. Barry
Signature
Wendy L. Barry
Typed or printed name

SUBMITTED BY

Name (Print/Type) Edwin V. Merkel
Signature [Signature]

Registration No. 40,087
(Attorney/Agent)

Complete (if applicable)

Telephone (585) 263-1128
Date October 1, 2003

SEND TO: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



PATENT
Docket No.: 21829/230 (EBC-015)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Zhong-Min Wei

Serial No. : 10/034,158

Cnfrm. No. : 9509

Filed : December 20, 2001

For : METHOD OF IMPARTING DROUGHT
RESISTANCE TO PLANTS

Examiner:
A. Kubelik

Art Unit:
1638

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COMMUNICATION


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Dear Sir:

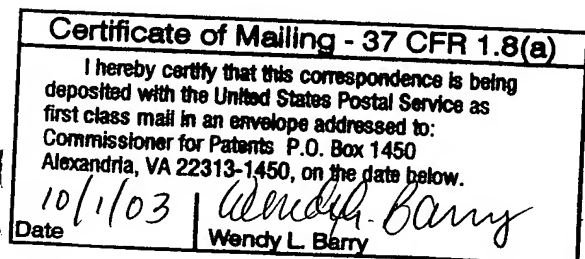
In reviewing the signed form PTO-1449 returned with the office action dated May 1, 2003, the undersigned identified the attached papers (express mail certificate and information disclosure statement) as being original papers from the PTO file history. The undersigned believes these papers were inadvertently included with the office action and therefore returns them under this separate communication.

Respectfully submitted,

Date: October 1, 2003


Edwin V. Merkel
Registration No. 40,087

Nixon Peabody LLP
Clinton Square, P.O. Box 31051
Rochester, New York 14603
Telephone: (585) 263-1128
Facsimile: (585) 263-1600





#9

**EXPRESS MAIL CERTIFICATE**

DOCKET NO.: 21829/230 (EBC-015)
APPLICANT: Zhong-Min Wei
TITLE: METHOD OF IMPARTING DROUGHT RESISTANCE TO PLANTS

Certificate is attached to the Information Disclosure Statement (1 page) and PTO-1449 Form (12 pages) (in duplicate) with 160 references listed (not attached) of the above-named application.

EXPRESS MAIL NUMBER: EL801321839US
DATE OF DEPOSIT: December 20, 2001

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Wendy L. Harrold
(Typed or printed name of person
mailing paper or fee)

Wendy L. Harrold
(Signature of person mailing paper
or fee)